

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Applicant's or agent's file reference  
see form PCT/ISA/220

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/IB2004/002219

International filing date (day/month/year)  
06.07.2004

Priority date (day/month/year)  
09.07.2003

International Patent Classification (IPC) or both national classification and IPC  
F04B35/00, F03G7/08

Applicant  
ERRIU, Fernando

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. **type of material:**
    - a sequence listing
    - table(s) related to the sequence listing
  - b. **format of material:**
    - in written format
    - in computer readable form
  - c. **time of filing/furnishing:**
    - contained in the international application as filed.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. **Additional comments:**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2004/002219

**Box No. II Priority**

1.  The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).  
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-17
Inventive step (IS)	Yes: Claims	
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V.**

1 The following documents are referred to in this communication:

D1: US 344 911 A (KIMBALL C.M.) 6 July 1886 (1886-07-06)  
D2: US-A-4 173 431 (SMITH ROLAND L) 6 November 1979 (1979-11-06)  
D3: US-A-1 771 200 (BALARD AKERS OSCAR) 22 July 1930 (1930-07-22)  
D4: US-A-4 212 598 (BANKS STANLEY E ET AL) 15 July 1980 (1980-07-15)  
D5: GB-A-2 290 115 (NAKATSU SENKICHI) 13 December 1995 (1995-12-13)  
D6: US-B-6 204 5681 (RUNNER JOHN) 20 March 2001 (2001-03-20)  
D7: US-A-5 355 674 (ROSENBERG BARUCH) 18 October 1994 (1994-10-18)  
D8: DE 29 41 079 A (ZIMMER CORNELIUS P) 23 April 1981 (1981-04-23)

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT:

2.2 Document D1 discloses all the features of claim 1: a fluid device for the recovery of the kinetic energy of land vehicles, comprising an intake line, a delivery line, and a pumping unit, which is connected to the intake line and to the delivery line, said fluid device further comprising at least one actuating element set along a road course of a road infrastructure for the transit of vehicles, functionally connected to the pumping unit and mobile between a position of unloading and a position of loading, in which the actuating element is designed to be surmounted by a vehicle travelling along said road infrastructure.

2.3 Also documents D2-D8 each disclose all the features of claim 1.

3. In view of the documents D1-D8, dependent claims 2-17 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and inventive step (Article 33(2) and (3) PCT).